IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4191 of 2007()

CRIME NO.137/07 OF THENJIPALAM POLICE STATION

PETITIONERS: ACCUSED:

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1. SHAJAHAN,
   NEDUVILAYAIL,MYNAGAPPALLY SOUTH MURI,
   MYNAGAPPALLY VILLAGE, KOLLAM.

2. SHIHAB,
   NEDUVILAYAIL,MYNAGAPPALLY SOUTH MURI,
   MYNAGAPPALLY VILLAGE, KOLLAM.

3. AMEENA BEEVI,
   NEDUVILAYAIL,MYNAGAPPALLY SOUTH MURI,
   MYNAGAPPALLY VILLAGE, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, THENJIPALAM POLICE
STATION, MALAPPURAM DISTRICT THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4191 OF 2007

Dated this the 11th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations, inter alia, under Secs.498A and 420 of the IPC. A crime has been registered on the basis of a complaint filed before the police by the de facto complainant and referred to the police under Sec.156(3) of the Cr.P.C.

2. The learned Public Prosecutor submits that the investigation is already complete and final report has already been filed. In these circumstances, there is absolutely no need to invoke the discretion under Sec.438 of the Cr.P.C. This is a fit case where the petitioners must appear before the learned Magistrate having jurisdiction and seek regular bail in the ordinary course, submits the learned Public Prosecutor.

3. I am satisfied that there are no circumstances justifying the invocation of the jurisdiction under Sec.438 of

the Cr.P.C. The petitioners must appear before the learned Magistrate and seek regular bail.

4. In the result this petition is dismissed; but with the observation that if the petitioners surrender before the learned Magistrate and seek bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge